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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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JACK A. GREBE, JR.,

Plaintiff,

*versus*FRANCISCO QUINTANA, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:08-CV-105

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jack A. Grebe, Jr., a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Warden Francisco Quintana, Lieutenant Timms, Officer Jones, Officer W. Forse, Counselor C. Allen, Officer Hadnot, Officer Woodson, Case Manager G. Garrison, Case Manager Merendino, Counselor Landry, Counselor Havis, Unit Manager Lisa Davis, and an unidentified officer.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against defendants Quintana, Timms, and Hadnot pursuant to 28 U.S.C. § 1915(e).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

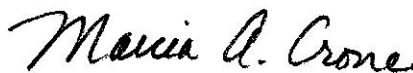
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

Plaintiff's conspiracy claim fails because he did not allege any material facts to support his conclusory allegations. *See Longoria v. Texas*, 473 F.3d 586, 593 (5th Cir. 2006) (dismissing conspiracy claim after finding plaintiff offered no evidence in support of the claim); *Dayse v. Schuldt*, 894 F.2d 170, 173 (5th Cir. 1990). Plaintiff's failure to train claim fails because there is no factual support for his assertion that the defendants' failure to train or supervise employees caused the alleged constitutional violations. A single instance of lack of training or supervision is generally not sufficient to demonstrate deliberate indifference. *Mesa v. Prejean*, 543 F.3d 264, 274 (5th Cir. 2008).

### **ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 8th day of October, 2009.

Handwritten signature of Marcia A. Crone in cursive script.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE